

## **REMARKS**

### **I. Amendments**

By this amendment, claims 1, 20, 28 and 29 have been amended, and claims 18, 26 and 27 have been cancelled without prejudice to the filing of future continuing applications.

No change of inventorship is necessitated by this amendment.

### **II. Discussion of the 35 U.S.C. Sec. 112, First Paragraph Rejection of Claims 18, 20 and 26-29**

Claims 18, 20 and 26-29 stand rejected under 35 U.S.C. Sec. 112, first paragraph for allegedly lacking enablement in the recitation of the term "prodrug". Applicants respectfully traverse this rejection.

To expedite prosecution, claims 18, 26 and 27 have been cancelled and the phrase "a prodrug thereof" has been deleted from claims 20, 28 and 29 by this amendment thereby overcoming the rejection.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection.

### **III. Discussion of the 35 U.S.C. Sec. 112, First Paragraph Rejection of Claims 26-29**

Claims 26-29 have been rejected under 35 U.S.C. Sec. 112, first paragraph as allegedly lacking enablement. Applicants respectfully traverse this rejection.

By this amendment, claims 26 and 27 have been cancelled, thereby rendering the rejection as to those claims moot.

As to claim 28, the Examiner is respectfully reminded of her comments on page 4 of the Office Action mailed June 9, 2004 wherein she stated that "[d]iseases and/or disorder(s) known to be associated with lipid peroxidation include restenosis after percutaneous transluminal coronary angioplasty". Ostensibly, the Examiner has already agreed that claim 28 is adequately enabled on the record. Therefore her rejection of claim 28 should be withdrawn.

In addition, claim 29 has been re-written as a method claim directed to treatment of Alzheimer's disease. This amendment adds no new matter to the specification. Support for the amendment may be found at page 116, line 12 – page 117, line 10 and page 168, line 22 –page 170, line 6 *inter alia*.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection.

#### **IV. Discussion of the Rejection under 35 U.S.C. Sec. 102(b) over Bhalerao *et al.***

Claims 1-4, 10, 11, 19 and 20 stand rejected under 35 U.S.C. Sec. 102(b) as allegedly being anticipated by Bhalerao *et al.*, (Arzneim.-Forsch./Drug Res. 44 (II) Nr. 9 (1994)). Applicants respectfully traverse the rejection.

By this amendment, Applicants have amended independent claim 1 to more clearly indicate that ring A is only made up of carbon and nitrogen atoms for the sake of expediting prosecution. Applicants assert that the compounds recited in claim 1 as amended are not anticipated by the cited art.

Claims 2-4, 10, 11, 19 and 20 depend upon claim 1. Applicants submit that the more specific dependent claims are also not anticipated by the cited reference for the reason provided above.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection.

#### **V. Discussion of the Objections to the Claims**

Claims 6-9 and 12-17 have been objected to as being dependent upon a rejected base claim. The Examiner has indicated that claims 6-9 and 12-17 would be allowable if re-written in independent form. However, Applicants assert that the aspects of their invention as set forth in claim 1 as amended are now in condition for allowance. Therefore it should not be necessary to re-write the dependent claims as independent claims in order to have them allowed.

## VI. Discussion of the Objection to the Specification

The Examiner has noted an inconsistency in molar ratios on page 76 of the specification. Applicants wish to thank the Examiner for having pointed out the inconsistency, due to a typographical error wherein a zero was inadvertently omitted in the English language translation. By this amendment, the error has been corrected, obviating the need for the objection to the specification.

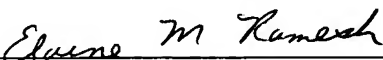
## VII. Conclusion

Reconsideration of the claims as amended and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully invited to call Applicants' attorney at the number below.

Respectfully submitted,

Dated: March 29, 2005

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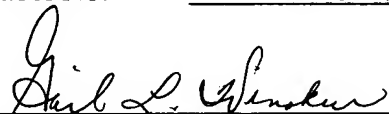
  
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